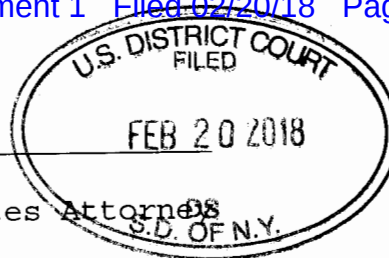


Approved: Adam S. Hobson  
 Adam S. Hobson  
 Assistant United States Attorney



ORIGINAL

Before: THE HONORABLE JAMES L. COTT  
 United States Magistrate Judge  
 Southern District of New York

DOJ #

- - - - -	x	:	<u>COMPLAINT</u>
		:	
UNITED STATES OF AMERICA		:	Violation of 21 U.S.C.
		:	§ 846
- v. -		:	
		:	COUNTY OF OFFENSE:
FRANCISCO ARVIZU, JR., and		:	NEW YORK
KELVIN TORRES,		:	
		:	
Defendants.		:	

**18 MAG 1370**

SOUTHERN DISTRICT OF NEW YORK, ss.:

DANIELLE L. DREYER, being duly sworn, deposes and says that she is a Special Agent with the Drug Enforcement Administration ("DEA"), and charges as follows:

COUNT ONE

1. From at least in or about February 16, 2018, up to and including in or about February 18, 2018, in the Southern District of New York and elsewhere, FRANCISCO ARVIZU, JR. and KELVIN TORRES, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that FRANCISCO ARVIZU, JR. and KELVIN TORRES, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that FRANCISCO ARVIZU, JR. and KELVIN TORRES, the defendants, conspired to distribute and possess with intent to distribute was one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Section 841(b)(1)(A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Special Agent with the DEA. I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses and others, as well as my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. Based on my review of law enforcement records and reports and my participation in this investigation, I have learned, among other things, the following:

a. On or about February 18, 2018, DEA agents, including myself, approached FRANCISCO ARVIZU, JR. and KELVIN TORRES, the defendants, at a hotel in Manhattan (the "Hotel"). ARVIZU and TORRES were each holding a suitcase.

b. After identifying ourselves as law enforcement, we asked ARVIZU and TORRES for consent to search the suitcases they were holding. ARVIZU and TORRES both consented to the search.

c. A search of the suitcase TORRES was holding ("Suitcase-1") revealed a false bottom. Beneath the false bottom of Suitcase-1, law enforcement found an approximately 2-kilogram package (the "Package") of a white substance, which, based on my training and experience, I believed to be heroin. ARVIZU and TORRES were placed under arrest.

d. Agents conducted a field test of the substance in the Package, which indicated that the substance in the Package was heroin.

6. After being advised of his Miranda rights, KELVIN TORRES, the defendant, was interviewed. In that interview, in which I participated, TORRES stated, in substance and in part, that on or about February 17, 2018, TORRES had brought Suitcase-1 from Tucson, Arizona to New York.

7. After being advised of his Miranda rights, FRANCISCO ARVIZU, JR., the defendant, was interviewed. In that interview, which I participated in, ARVIZU stated, in substance and in part, the following:

a. On or about February 16, 2018, ARVIZU traveled by himself from Tucson, Arizona to New York with a second suitcase that also contained narcotics.

b. On or about February 17, 2018, KELVIN TORRES, the defendant, traveled by himself from Tucson, Arizona to New York with Suitcase-1.

c. ARVIZU knew that Suitcase-1 contained narcotics.

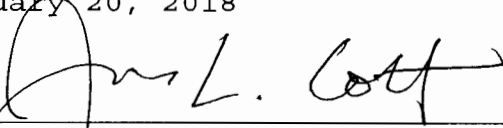
d. In the past, ARVIZU has also transported money derived from drug trafficking activities from the United States to Mexico.

WHEREFORE, deponent respectfully requests that FRANCISCO ARVIZU, JR. and KELVIN TORRES, the defendants, be imprisoned or bailed, as the case may be.



DANIELLE L. DREYER  
Special Agent  
Drug Enforcement Administration

Sworn to before me this  
February 20, 2018



THE HONORABLE JAMES L. COTT  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK